

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

SPECTRUM WT, et al, )  
                        )  
                        Plaintiffs, )  
                        )  
VS.                    ) CIVIL ACTION  
                        )  
WALTER WENDLER, et al, ) NO.: 2:23-cv-00048  
                        )  
                        Defendants. )  
                        )  
                        )

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REMOTE ORAL AND VIDEOTAPED DEPOSITION OF

MARCUS STOVALL

DECEMBER 16, 2025

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REMOTE ORAL AND VIDEOTAPED DEPOSITION OF MARCUS STOVALL, produced as a witness at the instance of the DEFENDANTS, and duly sworn, was taken in the above-styled and numbered cause on December 16, 2025, from 9:56 a.m. to 3:19 p.m., via Zoom teleconference, before Vanessa J. Theisen, CSR in and for the State of Texas, and RPR, reported by machine shorthand, pursuant to the Federal Rules of Civil Procedure and any provisions stated on the record or attached hereto.

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2

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22 ALSO PRESENT:

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25

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21 \* Please note: The exhibit Number 12 was used twice.  
22 The second document marked as Exhibit No. 12 is  
23 referred to as 12(A).

24 REPORTER'S NOTE  
25 Quotation marks are used for clarity and do not  
necessarily reflect a direct quote.

1 MARCUS STOVALL,

2 having been first duly sworn, testified as follows:

3 EXAMINATION

4 BY MS. BAKER:

5 Q. Good morning, Marcus.

6 A. Good morning.

7 Q. How are you?

8 A. Doing all right. How are you?

9 Q. I'm good. Where are you Zooming in from  
10 this morning?

11 A. Albuquerque, New Mexico.

12 Q. Okay. Well, my name is Alexia Baker. I am  
13 -- I represent Defendants Walter Wendler and Chris  
14 Thomas in this litigation, and I'll be conducting  
15 your deposition today.

16 So before we get into this, I just want  
17 to go over some ground rules to make sure that we are  
18 clear.

19 Do you understand that you're testifying  
20 under oath today and that you are legally obligated  
21 to tell the truth?

22 A. Yes, ma'am.

23 Q. You must provide verbal responses to my  
24 questions. The court reporter can't record an  
25 "huh-uh" or a shaking of the head, a nod. And this

1 intend to consult during the deposition?

2 A. I do not.

3 Q. Have you ever been deposed before?

4 A. I have not.

5 Q. Do you intend to testify in this case at  
6 trial?

7 A. Yes, I believe so.

8 Q. Have you ever been a party to a lawsuit  
9 aside from this case?

10 A. I have not.

11 Q. Before I proceed to the next set of  
12 questions, I want to clarify a few terms to make sure  
13 that we are on the same page during our discussion.

14 Does that make sense?

15 A. Yes, ma'am.

16 Q. If you hear me use the term "WT" or "the  
17 university," I'm referring to West Texas A & M  
18 University. Do you understand?

19 A. Yes, ma'am.

20 Q. Secondly, when I refer to the term  
21 "communication" or any derivative of that word, I'm  
22 speaking of any and all exchanges of information. So  
23 that's going to mean any dialogues, discussions, text  
24 messages, social media postings, messages,  
25 interviews, or consultations. Those are just a few

1 examples of what I mean by "communication." Does  
2 that make sense?

3 A. Yes, ma'am.

4 Q. When I mention "A Fool's Drag Race" or "the  
5 2023 drag show," I'm referring to the drag show that  
6 Spectrum WT planned to host on WT's campus in 2023.

7 Do you understand?

8 A. Yes, ma'am.

9 Q. When I mention "the Sam Houston drag show,"  
10 I'm referring to the off-campus drag show that  
11 Spectrum WT hosted in 2023. Does that make sense?

12 A. Yes, ma'am.

13 Q. When I mention the "Don't Be a Drag" drag  
14 show or "the 2024 drag show," I'm referring to the  
15 drag show that Spectrum WT planned to host on WT's  
16 campus in 2024. Does that make sense?

17 A. Yes, ma'am.

18 Q. Excellent. Thank you.

19 So I would like to know a little bit  
20 more about your background. Please state your full  
21 name for the record.

22 A. It is Lauren Elizabeth Stovall.

23 Q. Do you have any aliases that you go by?

24 A. I go by Marcus Stovall in day-to-day life.

25 Q. What is your date of birth?

1 A. December 6th of 2003.

2 Q. Where were you born?

3 A. Amarillo, Texas.

4 Q. Where were you raised?

5 A. Amarillo, Texas.

6 Q. What is your highest level of educational  
7 attainment?

8 A. I'm currently working on a bachelor's.

9 Q. What schools have you attended, universities  
10 specifically?

11 A. I took classes at Amarillo College, West  
12 Texas A & M, and now University of New Mexico.

13 Q. And which degrees are you actively working  
14 to attain?

15 A. Currently I'm working on a Bachelor's of  
16 cultural -- sorry, it's a long name -- Cultural  
17 Studies and Comparative Literature.

18 Q. Are you currently employed?

19 A. I am.

20 Q. Where?

21 A. At Nirvana Novelties.

22 Q. Was WT the first degree-seeking university  
23 you ever attended, or did you attend a school before  
24 that?

25 A. I took dual credit classes at Amarillo

1 College while in high school.

2 Q. So why -- in determining where you were  
3 going to go to school or go to university, why did  
4 you select WT? What was the appeal of that school  
5 specifically?

6 A. Partially the low cost and close distance.

7 Q. Aside from your involvement in Spectrum WT,  
8 were you involved with any other student  
9 organizations at WT?

10 A. Yes. I was involved in student council, as  
11 well as Secular Student Alliance, the West Texas  
12 A & M Model United Nations.

13 THE REPORTER: I'm sorry. Can you  
14 repeat that one, the West Texas A & M --

15 THE WITNESS: Model United Nations.

16 THE REPORTER: Okay.

17 A. And the West Texas A & M orchestra.

18 Q. (BY MS. BAKER) Did you hold any leadership  
19 positions in those organizations?

20 A. As the founder of the Secular Student  
21 Alliance and held an officer position in Model United  
22 Nations.

23 Q. When did you leave WT?

24 A. I believe in spring of 2024.

25 Q. Why did you leave WT?

1 A. Just due to personal issues.

2 Q. What kind of personal issues?

3 A. I lost my younger sibling to suicide.

4 Q. I'm very sorry to hear that.

5 Do you have any mental or physical  
6 disabilities?

7 MR. MORRIS: Objection, compound.

8 Q. (BY MS. BAKER) Do you have any mental  
9 disabilities?

10 A. I have been diagnosed with autism, as well  
11 as post-traumatic stress disorder.

12 Q. Do you have any physical disabilities?

13 A. I do not.

14 Q. When were you diagnosed with those mental  
15 disabilities that you mentioned?

16 A. Autism at 15. Post-traumatic stress  
17 disorder at, I believe, 19.

18 Q. Are you currently under a doctor's care for  
19 anything?

20 A. I am.

21 Q. I would like to discuss your involvement in  
22 Spectrum WT at West Texas A & M.

23 When did you first become involved in  
24 Spectrum WT?

25 A. In fall of 2022, 2022.

1 Q. And why did you join the organization?

2 A. I was just looking to get involved starting  
3 college.

4 Q. How long were you involved before you held a  
5 leadership position?

6 A. I believe a semester.

7 Q. And you became vice president of the  
8 organization, right?

9 A. I did.

10 Q. Were you elected to that role?

11 A. I was.

12 Q. What duties did you perform in your capacity  
13 as vice president?

14 A. I would organize and host meetings, as well  
15 as help the president with his duties.

16 Q. And why did you leave your role?

17 A. I was leaving the university.

18 Q. While you were involved with Spectrum, would  
19 you say that most of the members were upperclassmen  
20 or underclassmen at the university?

21 A. I would say it's a fair mix of both.

22 Q. Did Spectrum have a faculty advisor?

23 A. Yes.

24 Q. Who was that faculty advisor?

25 A. I believe, Kristina Drumheller.

1       Q. Did you have another faculty advisor or just  
2 her?

3       A. Just her officially.

4       Q. Do you remember how many members Spectrum  
5 had when you first became vice president?

6       A. I do not. It varied by meeting and  
7 semester.

8       Q. Do you have maybe a ballpark thought of how  
9 many members you had?

10      A. Probably 10 to 20.

11      Q. And when you left the university in 2024,  
12 about how many members would you -- if you were to  
13 take a ballpark estimate, how many members would you  
14 say Spectrum had?

15      A. I would have to guess 20 to 30.

16      Q. So you would say that the membership had  
17 increased by the time you left the university?

18                   MR. MORRIS: Objection, calls for  
19 speculation.

20      A. I would say we did have an increase in  
21 numbers, but it just depended on the meeting.

22      Q. (BY MS. BAKER) So what kind of events did  
23 Spectrum put together for its members?

24      A. We had a variety of craft nights, game  
25 nights, movie nights.

1 Q. How did you all recruit members?

2 A. We would do tabling through the university,  
3 as well as things like flyers.

4 Q. How frequently would you table at the  
5 university?

6 A. It really just depended on officers'  
7 availability.

8 Q. But there were a lot of other student  
9 organizations that tabled as well?

10 A. Yes. There would be constantly tables.

11 Q. Would there ever be like student  
12 organization fairs and things like that?

13 A. Yes, ma'am.

14 Q. And Spectrum would participate in those  
15 student work fairs?

16 A. Yes.

17 Q. Were there ever any events where students  
18 who were thinking about coming to West Texas A & M,  
19 considering it and trying to find out what kind of  
20 activities that West Texas has and student works, was  
21 there any point where the university put prospective  
22 students in contact with Spectrum?

23 A. We did have tables at new student  
24 orientations.

25 Q. So there were new student orientations, and

1      **Spectrum participated in those events?**

2      A. Yes, ma'am.

3      Q. **Do you remember how often those new student  
4      orientations occurred?**

5      A. I would have to guess. Just over the  
6      summer, a couple of times a month.

7      Q. **Did Spectrum participate in any of those new  
8      student orientations while you were vice president?**

9      A. Yes, we did.

10     Q. **So in 2023 and 2024, Spectrum participated  
11     in those events?**

12     A. Yes, I believe so.

13     Q. **Where did Spectrum WT typically hold its  
14     meetings?**

15     A. In, I believe it's, the classroom center.

16     Q. **And Spectrum had weekly meetings, right?**

17     A. Yes, ma'am.

18     Q. **Did you all ever host any off-campus events?**

19     A. I believe we went -- did like hiking in the  
20     canyon. I don't think really anything else.

21     Q. **How would you describe Spectrum's overall  
22     mission?**

23     A. Just to make students feel accepted and have  
24     a community, where they might struggle to find people  
25     elsewhere.

1           Q. How would you describe its purpose? Is  
2 there a distinction between the organization's  
3 purpose and its mission?

4           MR. MORRIS: Objection, compound.

5           Q. (BY MS. BAKER) What was the purpose of  
6 Spectrum WT?

7           A. I would say the purpose was just to make  
8 people feel accepted and have a place where they feel  
9 free to belong and be themselves without being  
10 judged.

11          Q. Would you agree that Spectrum WT  
12 functions -- functions and functioned while you were  
13 a leader to provide a sense of community and a safe  
14 space for LGBTQ+ students at WT?

15          A. Yes, ma'am.

16          Q. Spectrum WT, at least while you were there,  
17 served to educate members of the WT student body  
18 concerning LGBTQ+ issues. Would you agree with that?

19          A. Yes.

20          Q. So would you agree that the organization has  
21 both a social and an educational purpose?

22          A. I would.

23          Q. I am going to pull up page 5 of ECF No. 28.  
24 This is Spectrum WT's verified second amended  
25 complaint, which we'll mark as Exhibit 1.

1                   I am going to share my screen.

2 Actually, I am going to pull it up first and then  
3 share my screen to make this easy.

4                   (Exhibit 1 marked.)

5 Q. (BY MS. BAKER) Can you see my screen?

6 A. Yes.

7 Q. And you verified this complaint, correct?

8                   MR. MORRIS: Objection, mischaracterizes  
9 the document.

10 Q. (BY MS. BAKER) Let me rephrase my question.

11                   Marcus, can you confirm that you have  
12 verified, under penalty of perjury, to have personal  
13 knowledge to several of the factual allegations in  
14 this complaint?

15 A. Yes, I believe so.

16 Q. Okay. I'm going to read a line from  
17 paragraph 13. It reads, "In furtherance of its  
18 mission, Spectrum WT hosts periodic events, including  
19 Lavender Prom, Queer History Night, and Queer Movie  
20 Night."

21                   What is Lavender Prom?

22 A. It was not an event we hosted while I was on  
23 campus, so I can't really provide details on it.

24 Q. What was that event intended to be?

25 A. I believe it's just like a formal dance.

1 That would make me guess.

2 Q. What about queer history night? What is  
3 that?

4 A. Where we would put together a slide show and  
5 teach facts about queer history in the United States.

6 Q. So you-all had queer history nights while  
7 you were a leader in Spectrum WT, correct?

8 A. Yes, ma'am.

9 Q. And would you ever lead those discussions?

10 A. Yes, I would.

11 Q. What about queer movie nights? What are  
12 those?

13 A. Where we would pick a movie, either one with  
14 queer content in it or one just liked by the  
15 community, and just have popcorn and watch a movie.

16 Q. What do you mean when you say, "one liked by  
17 the community"?

18 A. Things like animated, the Studio Ghibli  
19 movies people tend to like.

20 Q. So were these events, such as the queer  
21 history night and the queer movie night, were these  
22 annual events?

23 A. It really just depended on when we needed  
24 fillers.

25 Q. What do you mean by "fillers"?

1           A. For our organized meeting, so sometimes we  
2 would do, I think, like one or two movie nights a  
3 semester, one or two history nights.

4           **Q. So you had your weekly meetings, but these**  
5 **were meetings that you would have aside from the**  
6 **weekly meetings. Is that correct?**

7           A. No, ma'am. These would have been weekly  
8 meetings.

9           **Q. I see. So were these events hosted in WT**  
10 **facilities?**

11           A. Yes, ma'am.

12           **Q. Where on campus were these events hosted?**

13           A. Mostly in the classroom center. I believe  
14 we did a movie night in the computer lab due to  
15 technical difficulties.

16           **Q. And those weekly movie nights happened in WT**  
17 **facilities, correct?**

18           A. Yes, ma'am.

19           **Q. Did those meetings continue to occur on**  
20 **campus after President Wendler's decision not to**  
21 **permit Spectrum's drag show in Legacy Hall in 2023?**

22           A. Yes, ma'am.

23           **Q. So Spectrum continued to meet in WT**  
24 **facilities for its weekly meetings following**  
25 **President Wendler's decision in 2023?**

1 A. Yes, ma'am.

2 Q. Did those on-campus meetings continue to  
3 occur after President Wendler's decision not to  
4 permit Spectrum's 2024 drag show in Legacy Hall?

5 A. I believe so, but I was no longer a student  
6 at the time.

7 Q. While you were vice president of Spectrum,  
8 it was a registered student organization, correct?

9 A. Yes, ma'am.

10 Q. As a registered student organization, did  
11 Spectrum have access to funding from the university?

12 A. I would have to guess. I don't know the  
13 specifics.

14 Q. Who would know that information?

15 A. That is something Barrett would know.

16 THE REPORTER: I'm sorry. Can you  
17 repeat that? That was something that --

18 THE WITNESS: Barrett or Bear.

19 Q. (BY MS. BAKER) I'm going to pull up another  
20 exhibit. This is the WT student organizations  
21 handbook marked Spectrum 565, and I'm going to mark  
22 this Exhibit 2.

23 (Exhibit 2 marked.)

24 Q. (BY MS. BAKER) Can you see my screen?

25 A. Yes.

1 speculation. It's vague.

2 A. Can you rephrase the question?

3 Q. (BY MS. BAKER) Based on your reading of  
4 this document, is access to campus facilities at WT a  
5 privilege for registered student organizations?

6 MR. MORRIS: Same objection, calls for  
7 speculation and vague.

8 A. It is listed as a privilege.

9 Q. (BY MS. BAKER) Do you agree that a  
10 privilege is not something everyone can exercise?

11 A. I would have to speculate. I don't know the  
12 dictionary definition off the top of my head.

13 Q. Let me rephrase my question.

14 To put it in another way, can a  
15 privilege be lost?

16 MR. MORRIS: Objection, calls for  
17 speculation, vague.

18 A. Yeah. Again, it depends on the context, I  
19 believe.

20 Q. (BY MS. BAKER) Do you agree that registered  
21 student organizations at WT have a responsibility to  
22 comply with the university's procedures and policies?

23 A. Within reason, yes.

24 Q. What do you mean by "within reason"?

25 A. For example, if a -- like a conduct or

1 something is in conflict with First Amendment rights.

2 Q. So it's your position that if a student  
3 organization believes that the policy is in conflict  
4 with their rights, they can decide not to follow it.

5 Is that your position?

6 MR. MORRIS: Objection, vague as to  
7 which policy.

8 A. I believe that everyone should be held to  
9 the same standard of First Amendment rights.

10 Q. (BY MS. BAKER) Do you agree that registered  
11 student organizations who fail -- that fail to  
12 fulfill their responsibility to comply with  
13 university procedures or policies could lose certain  
14 privileges?

15 MR. MORRIS: Objection, calls for  
16 speculation.

17 A. I think it depends on the context.

18 Q. (BY MS. BAKER) In what way?

19 A. I mean, for example, one of the --

20 THE REPORTER: I'm sorry. Did you say  
21 something, Mr. Morris?

22 MR. MORRIS: I just said "same  
23 objection." Thank you for asking.

24 THE REPORTER: And then, what was your  
25 answer, Marcus?

1       A. Yes. For example, one of the privileges  
2 listed is a popcorn machine. I don't think if the  
3 popcorn machine gets dirty that means the student  
4 organization no longer has the right to any of the  
5 other privileges.

6       Q. (BY MS. BAKER) Is this a document that you  
7 have ever reviewed before?

8       A. I believe so.

9       Q. Do you know whether this is a document that  
10 you would have needed to be familiar with in your  
11 role as a leader in a student organization?

12       A. Either this document or a document similar.

13       Q. Let's turn to another page in this exhibit.  
14 The page that I'm turning to is stamped Spectrum 569.

15                  At the top of this page, there is a  
16 single line that says, "Reminder: No glitter,  
17 confetti, helium tanks, or tape are allowed in WTAMU  
18 facilities."

19                  So if a registered student organization  
20 wanted to use a room in WT facilities to host a  
21 glitter arts and crafts night, it wouldn't be  
22 permitted to do so. Is that correct, based on your  
23 reading of this document?

24                  MR. MORRIS: Objection, calls for  
25 speculation.

1       A. I would have to guess because I believe  
2 other organizations used all three of those  
3 materials.

4       **Q. (BY MS. BAKER) But according to this**  
5 **document, no glitter is allowed in WTAMU facilities.**  
6 **Is that correct?**

7       A. According to this document, yes.

8       **Q. Just beneath that, there is a subsection**  
9 **titled, "Posting Marketing Guidelines."**

10                   **As a student organization, did Spectrum**  
11 **have to have its flyers or marketing materials**  
12 **reviewed by the university before it was able to post**  
13 **them?**

14                   MR. MORRIS: Objection, vague.

15       **A. For events or regular meetings?**

16       **Q. (BY MS. BAKER) Both.**

17       **A. I know for events we would get it approved.**

18       **I would have to guess about other materials.**

19       **Q. And when you say, "get it approved," what do**  
20 **you mean?**

21       **A. I know we would email a copy off to someone,**  
22 **and they would tell us if it was okay, or, if not,**  
23 **what to change.**

24       **Q. So someone in the -- strike that.**

25                   **A WT administrator had to review your**

1 materials, your marketing materials, right?

2 A. I believe so.

3 Q. So the first bullet point under the Posting

4 Marketing Guidelines says, "Materials may not be  
5 racist or sexist in content, contain obscene words,  
6 promote alcohol or other drug usage or any unlawful  
7 activity or violate University rules, Texas A & M  
8 University System policies or any local, state, or  
9 federal laws."

10 So based on your reading of that first  
11 bullet point, would you agree that a registered  
12 student organization couldn't post a flyer that had a  
13 racial slur on it in any university facility?

14 MR. MORRIS: Objection, calls for  
15 speculation and vague.

16 A. Yes.

17 Q. (BY MS. BAKER) So you agree that a student  
18 organization would not be able to post such a flyer,  
19 correct?

20 MR. MORRIS: Objection, asked and  
21 answered.

22 A. I could not post a flyer with a racial slur,  
23 no.

24 Q. (BY MS. BAKER) What about sexist language?  
25 Could a registered student organization post

1 that it would have to get university approval in  
2 order to hold that show in a building on campus?

3 MR. MORRIS: Objection, vague.

A. Can you rephrase the question?

5 Q. (BY MS. BAKER) Did Spectrum understand from  
6 the outset of the planning process that it was going  
7 to need university approval to host a drag show in WT  
8 facilities?

9 MR. MORRIS: Objection, vague.

10 A. Well, yes. All events had to be approved.

11 Q. (BY MS. BAKER) Did Spectrum WT understand  
12 from the outset of its planning to host a drag show  
13 on campus that WT rules and procedures and policies  
14 would govern whether that drag show would be  
15 permitted in WT facilities?

16 MR. MORRIS: Objection, vague, calls for  
17 speculation.

A. Could you rephrase the question?

19 Q. (BY MS. BAKER) To your understanding and  
20 based on your involvement in the planning of the  
21 drag -- of the 2023 drag show, did Spectrum recognize  
22 that WT rules, policies, and procedures were going to  
23 determine or govern whether the drag show could be  
24 hosted on campus?

25 MR. MORRIS: Objection, vague.

1       A. Yes, we catered the event to those  
2 guidelines.

3       **Q. (BY MS. BAKER) So Spectrum reviewed the**  
4 **guidelines before planning the drag show?**

5       A. Yes.

6       **Q. Why did you all select Legacy Hall?**

7       A. It was the most suitable venue for the event  
8 we were planning.

9       **Q. What do you mean by "most suitable"?**

10      A. With the stage and sound system, as well as  
11 the contained format.

12      **Q. What is a contained format?**

13      A. Being in a large central room, instead of  
14 somewhere with a bunch of entrances and exits.

15      **Q. Did Spectrum WT ever consider any other**  
16 **venues on campus?**

17      A. I believe we considered the alumni banquet  
18 hall.

19      **Q. And why did you choose Legacy Hall over the**  
20 **alumni banquet hall?**

21      A. I believe the stage, the seating, and the  
22 sound system.

23      **Q. Did Spectrum WT ever consider any off-campus**  
24 **venues?**

25      A. Not originally.

38

Q. Why did the organization choose to donate to  
The Trevor Project specifically?

3           A. It was a queer support organization for  
4 college students, trying to prevent suicide in queer,  
5 younger individuals, young adults and teenagers, and  
6 something we dealt with very individually.

7 Q. Whose idea was it to -- who created the idea  
8 of the drag show? How did that come about?

9 A. I do not know. I would have to guess.

Q. But it wasn't you who came up with the idea?

11 A. It was not my original idea.

Q. Was this something that -- let me rephrase.

16 A. Not to my knowledge.

17 Q. So how would you describe the intended  
18 message of the 2023 drag show?

19 A. The message was just to let people  
20 artistically express themselves and have fun and  
21 express queer culture.

22 Q. So self-expression, queer culture, and  
23 having fun, is that how you would describe the  
24 message of the 2023 drag show, the intended message?

25 MR. MORRIS: Objection, mischaracterizes

1 A. Can you repeat the question?

2 Q. (BY MS. BAKER) Based on your knowledge of  
3 Myss Myka's performances -- strike that.

4 Had you seen any performances by

5 Myss Myka prior to -- before you -- before Spectrum  
6 selected her as their MC for the 2023 drag show?

7 A. I had not.

8 Q. Who made the decision to select her as the  
9 MC?

10 A. I believe it was made as a group.

11 Q. Did you, in your role as vice president,  
12 have a -- any ultimate decision or decisionmaking  
13 authority as to whether she would be invited or she  
14 would not?

15 A. No. We made all decisions as a group.

16 Q. When you say "as a group," does that mean  
17 you voted?

18 A. Yes.

19 Q. So you held a vote on who was to be the MC  
20 of this event?

21 A. I don't recall us doing like an official  
22 vote, but we decided as a group.

23 Q. So Myss Myka was selected as the MC because  
24 she won in that vote that was conducted, correct?

25 A. We didn't hold a specific vote. We just

1 knew of her in the community.

2 Q. When did you first meet Myss Myka?

3 A. I do not recall.

4 Q. Had you met her before she was invited to  
5 serve as the MC for this event?

6 A. I do not believe so.

7 Q. Had you visited any of Myss Myka's social  
8 media pages before or while planning this event?

9 A. I believe to get in contact with her.

10 Q. Were you the person that was mainly in  
11 charge of communicating with her throughout the  
12 planning process?

13 A. I was.

14 Q. To your knowledge, would you agree that  
15 Myss Myka is seen as a mentor to many people within  
16 the Canyon or Amarillo LGBTQ+ community?

17 MR. MORRIS: Objection, vague.

18 A. I would have to guess on other people's  
19 experiences.

20 Q. (BY MS. BAKER) Would you consider Myss Myka  
21 to be a mentor of yours?

22 A. I wouldn't consider us to have a mentor  
23 relationship, but I do respect her.

24 Q. I want to move to introduce Exhibit 4. This  
25 is a photo. I will share my screen momentarily. I

1 am pulling it up. Oh, here it is.

2 (Exhibit 4 marked.)

3 Q. Marcus, can you identify the people in this  
4 photo?

5 A. Yes, that is myself there and Myss Myka.

6 Q. When was this photo taken, to your  
7 remembrance?

8 A. June of 2023, I believe.

9 Q. Where was this taken?

10 A. At the Amarillo Pride.

11 Q. As far as you're aware, does Myss Myka ever  
12 teach less experienced performers or individuals who  
13 are new to drag how to perform?

14 A. I believe so.

15 Q. And does she host lessons where she teaches  
16 less experienced performers? How does that work, to  
17 your knowledge?

18 MR. MORRIS: Objection, compound.

19 A. I do not know.

20 Q. (BY MS. BAKER) Let's take a look at the  
21 next exhibit, which I'll call Exhibit No. 5.

22 (Exhibit 5 marked.)

23 Q. This is ECF37-3 on the Court's docket. This  
24 is a video.

25 I will share both the screen of the

1 document that I'm looking at and then I will share  
2 the video. This is, again, ECF37-3, a video from  
3 February 2023 of a performance by Myss Myka. I am  
4 going to play the video.

5 (Playing video.)

6 Q. (BY MS. BAKER) Marcus, in your opinion, was  
7 Myss Myka's performance in the video that we just  
8 watched lewd?

9 MR. MORRIS: Objection, calls for  
10 speculation and calls for a legal conclusion.

11 A. I would say it's catered to an adult  
12 audience.

13 Q. (BY MS. BAKER) Did you see any nudity in  
14 that video?

15 A. I did not.

16 Q. Did you see any graphic sexual activity  
17 depicted?

18 MR. MORRIS: Objection, vague.

19 A. Can you clarify what you mean by "graphic  
20 sexual activity"?

21 Q. (BY MS. BAKER) There was no sexual activity  
22 depicted whereby the individuals participating didn't  
23 have clothes on or were nude.

24 A. Yes, there is no explicit sexual content in  
25 the video.

1           A. As it is, the performance at a club, I would  
2 not consider PG-13.

3           **Q. What do you mean by "at the club"? Does it**  
4 **matter where it's being hosted? Does that change**  
5 **your answer?**

6           A. As far as I'm aware, the only location where  
7 that particular performance was held, that specific  
8 routine, was at the club. It was not held in our  
9 show.

10          **Q. So you all spoke with Myss Myka in planning**  
11 **to ensure that there would be no lewd performances at**  
12 **the show. Is that correct?**

13          A. That is correct.

14          **Q. What kind of communications did you have?**

15          A. For sure in-person. I believe over text as  
16 well.

17          **Q. What did you all tell her?**

18          **A. The show we're holding is PG-13, so no**  
19 **explicitly vulgar, lewd content.**

20          **Q. When you spoke with her, did you clarify**  
21 **what you meant by "lewd"?**

22          **A. To my recollection, we just used the**  
23 **umbrella term as "PG-13" for general understanding.**

24          **Q. But you specifically told her no lewd**  
25 **conduct. Is that correct?**

1           A. As that would fall under PG-13.

2           Q. May you repeat what you just said? I didn't  
3 quite capture it.

4           A. It was our understanding that lewd or  
5 graphic content would fall under the umbrella label  
6 of PG-13.

7           Q. So to clarify, you're saying lewd conduct  
8 would fall under the umbrella of PG-13 or would not?

9           A. It would not. We would consider lewd or  
10 sexual content to be an R-rated, while our show was a  
11 PG-13 rated. So it would contain no lewd or sexual  
12 content.

13           Q. I believe you clarified this, but I'm going  
14 to ask you again to make sure I am absolutely clear:  
15 It is your position -- is it your position that the  
16 video of Myss Myka performing in the club is lewd?

17           MR. MORRIS: Objection, asked and  
18 answered. Objection as to speculation, legal  
19 conclusion.

20           A. Yes, I stand with what I've already said.

21           Q. (BY MS. BAKER) And what did you say?

22           MR. MORRIS: Objection, asked and  
23 answered.

24           If you would like to ask the court  
25 reporter to go back and repeat Mr. Stovall's answer,

1 the actual rule and the enforced rule is.

2 THE REPORTER: I'm sorry. You're not  
3 sure what the actual rule --

4 THE WITNESS: Oh, the actual rule or the  
5 enforced rule is.

6 THE REPORTER: Thank you.

7 Q. (BY MS. BAKER) But it's -- but it's true  
8 that many student organizations post on these  
9 bulletins, correct?

10 A. It is.

11 Q. How did Spectrum invite people to perform in  
12 the 2023 drag show?

13 MR. MORRIS: Objection, ambiguous.

14 A. I believe we just had a form, taking down  
15 names.

16 Q. (BY MS. BAKER) Was this form posted on  
17 social media?

18 A. I don't recall.

19 Q. Do you know whether Spectrum WT sent out an  
20 email on any lists -- any WT ListServe, to invite  
21 students to perform in the drag show?

22 A. We did not send out email.

23 Q. And were only WT students eligible to  
24 perform, or was it open to all members of the public?

25 A. For the original 2023 show on campus, it was

1 only students.

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2 Q. And plans changed -- after Spectrum learned  
3 that it wouldn't be able to host it in Legacy Hall,  
4 was it then open to the public?

5 A. Yes.

6 Q. In planning this, the 2023 drag show, did  
7 you ever have a thought of how many participants you  
8 would have expected to show up at an event like that?

9 A. I don't recall exactly. We weren't planning  
10 on a very large crowd.

11 Q. Why?

12 A. Our original intention was just for it to be  
13 a small event, mainly for Spectrum members.

14 Q. So you initially wanted it to be small. Is  
15 that correct?

16 A. Yes.

17 Q. I want to look at a document stamped  
18 Spectrum 834, which I will label Exhibit 7.

19 (Exhibit 7 marked.)

20 Q. (BY MS. BAKER) Marcus, do you recognize  
21 this?

22 A. Yes, I do.

23 Q. What is this?

24 A. It should be a QR code to the Google form we  
25 had for sign-ups.

1       Q. And this was a flyer inviting people to sign  
2 up to participate in the on-campus or the planned  
3 on-campus drag show. Is that correct?

4       A. Yes. This is one that was a collaborative  
5 show with FlrstGen.

6                   THE REPORTER: I'm sorry. A  
7 collaborative show with?

8                   THE WITNESS: FlrstGen.

9       Q. (BY MS. BAKER) What do you mean by "a  
10 collaborative show"?

11      A. So Spectrum was not the only organization  
12 planning the event. It was going to be multiple  
13 groups at first.

14      Q. And were there any other groups aside from  
15 FlrstGen who were planning to participate?

16      A. I believe the K-Pop group as well. There  
17 may have been others. I would have to guess at this  
18 moment.

19      Q. So with those groups collaborating, would  
20 you -- would they be considered like co-sponsors?

21      A. Yes.

22      Q. And were there ever any discussions with  
23 those potential co-sponsors for them to promote this  
24 event on their socials as well?

25      A. I don't specifically remember. I'm sure

1 there were.

2 Q. So I'm going to turn our attention to the  
3 flyer.

4 In your opinion, Marcus, is there  
5 anything on this flyer that suggests only WT students  
6 were welcome to participate in the 2023 drag show?

7 A. In the yellow letters, it says, "A drag show  
8 hosted by WTAMU students."

9 Q. So it says the event was hosted by students,  
10 correct?

11 A. Yes, ma'am.

12 Q. But it doesn't say anything on there about  
13 only students being able to perform, correct?

14 A. It does not.

15 Q. Is there any mention of minors on this  
16 flyer?

17 A. Not on this flyer.

18 Q. Is that a scannable QR code on the flyer?

19 A. I don't know if it is still active, but it  
20 was originally.

21 Q. And what would be -- what would that QR code  
22 be used for?

23 A. It's a link to a Google form where you can  
24 leave information and we can get into contact with  
25 people.

1           Q. So it's a way to sign up to participate?

2           A. Yes.

3           Q. Do you remember anything about that sign-up  
4 form?

5           A. I would have to look at it.

6           **Q. Spectrum told -- Spectrum WT told WT  
7 administrators that it was planning to host a PG-13  
8 drag show, correct?**

9           **A. Yes.**

10          Q. So why did you all feel the need to specify  
11 that it was going to be PG-13?

12          A. To go ahead and set that boundary for all  
13 performers right off the bat of what we considered  
14 acceptable content for an academic setting.

15          Q. So it had some usefulness for the performers  
16 as well, right?

17          A. Can you repeat that?

18          Q. So that PG-13 label had some usefulness for  
19 the performers as well, too, right?

20          A. Yes, to let them know what they can come in  
21 and perform and what they cannot.

22          Q. Earlier during our discussion, you mentioned  
23 that sometimes a show -- strike that.

24                 Earlier in our discussion, you said that  
25 sometimes the message of a performance depends on

1 A. Yes.

2 Q. Do you agree that sometimes the message that  
3 the audience member receives is different than what  
4 the performer may have been trying to convey?

5 A. It can be, yes.

6 Q. But it's not always, right?

7 A. It depends on the individual, on their  
8 interpretation.

9 Q. Did any of the performers reach out to you  
10 or any of the other Spectrum leaders seeking clarity  
11 as to what would be permissible under the PG-13  
12 standard?

13 A. Yes.

14 Q. Can you explain or maybe provide an example  
15 of a discussion that you had with a performer who was  
16 seeking clarity as to what was permissible?

17 A. I can't name specifics, but I know we had  
18 discussions about particularly song lyrics for the  
19 lip syncs. I'm like if there's any curse words at  
20 all, which words? Like can we use a radio edit. I  
21 think we decided on just like censor it out, use a  
22 clean radio edited version if needed.

23 Q. Did you look to any MPAA standards in  
24 determining what constituted PG-13?

25 A. You mean like movie rating standards by

1 that?

2 Q. Yes.

3 A. Yes, those are the general rules we went by.

4 Q. So under the MPAA standards, to your

5 understanding, a song with -- a performance with a

6 curse word would not be considered PG-13?

7 A. To my best recollection, I believe the

8 understanding for PG-13 is like one curse word.

9 Q. But you all told performers no curse words?

10 A. Yes. We decided to just go along, try not

11 to do any curse words just to be safe.

12 Q. I want us to review another image stamped

13 DEF 841, which I'm going to mark as Exhibit 8.

14 (Exhibit 8 marked.)

15 Q. (BY MS. BAKER) Can you see this Marcus?

16 A. Yes.

17 Q. Okay. I forgot that I was still screen

18 sharing.

19 This is an early iteration of the flyer

20 for Spectrum's 2023 drag performance, right?

21 A. Yes, ma'am.

22 Q. And are the people on this flyer meant to  
23 represent drag performers?

24 A. Yes.

25 Q. Is there any mention of PG-13 on this flyer

1 Q. And there's a QR code on this flyer, right?

2 A. There is.

3 Q. Do you know where that QR code leads?

4 A. I would imagine to ticket sales. I would be  
5 guessing, though.

6 Q. Do you see any mention of minors on this  
7 flyer?

8 A. Not on this flyer.

9 Q. But it does clarify that the event would  
10 be -- would have a PG-13 rating, right?

11 A. It does.

12 Q. Could minors attend the 2023 drag show that  
13 you all planned to host in Legacy Hall?

14 A. Only if accompanied by a parent or guardian.

15 Q. Why did they have to be accompanied by a  
16 parent or guardian?

17 A. Just because it's an event held at a college  
18 campus, and not all parents are okay with their  
19 children being exposed to drag shows, that type of  
20 performance.

21 Q. Spectrum would have had to pay some sort of  
22 fee to use Legacy Hall for its 2023 drag show,  
23 correct?

24 A. I do not know.

25 Q. So according to this flyer, any student with

1   **a Buff ID didn't need to purchase a ticket to get**  
2   **admitted to the performance, right?**

3       A. Yes.

4       Q. What is the difference between general  
5 admission versus a VIP ticket?

6       A. I believe the VIP tickets were designated  
7 tables.

8       Q. And then what was -- the general admission  
9 was just free seating?

10      A. Yes.

11      Q. Why was it free for students if it was a  
12 fundraiser?

13      A. We didn't want to provide a financial  
14 barrier for students already paying tuition to the  
15 university to get in the door.

16      Q. So you just -- you all wanted to remove  
17 obstacles for students' ability to participate,  
18 correct?

19      A. Yes.

20                   MR. MORRIS: Objection.

21                   THE REPORTER: Mr. Morris, did you  
22 object?

23                   MR. MORRIS: I did.

24                   THE REPORTER: Can you repeat it,  
25 please?

1 (Exhibit 10 marked.)

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2 Q. (BY MS. BAKER) Do you recognize this,  
3 Marcus?

4 A. Yes, I do.

5 Q. What is this?

6 A. I believe it is our statement from after the  
7 email was sent out.

8 Q. And this clarifies that it was sent from  
9 Spectrum WT, correct?

10 A. Yes.

11 Q. Was this posted on Spectrum WT's Instagram  
12 page?

13 A. I believe so.

14 Q. Do you consider Spectrum WT's Instagram page  
15 to be part of its advocacy, the organization's  
16 advocacy?

17 A. Can you elaborate what you mean by advocacy?

Q. Yes. Would you agree that Spectrum's

19 Instagram page is a means through which it advances  
20 its purpose and mission?

21 A. Yes, I would.

22 Q. Why did Spectrum issue this statement?

23 A. We were receiving a lot of questions, and we  
24 wanted to get our answer in concise, readable form to  
25 put out there.

1 Q. Did you create this statement?

2 A. I helped with this.

3 Q. But you would agree that it represents

4 Spectrum's official position on President Wendler's  
5 decision not to allow the organization's 2023 drag  
6 show to move forward in Legacy Hall?

7 A. Yes.

8 Q. I'm going to zero in on a document marked  
9 Spectrum 1183, and I'm going to read -- actually, I'm  
10 just going to read -- I'll read the first three  
11 sentences here.

12 It says, "First, we would like to state  
13 that drag is not designed to be offensive. Drag is  
14 not a mockery - it is a celebration. Drag is a  
15 celebration of many things: queerness, gender,  
16 acceptance, love, and especially femininity."

17 Do you agree with that statement, that  
18 part of the statement that I just read?

19 A. I do.

20 Q. Marcus, how would you define "drag"? How do  
21 you explain it?

22 A. Can you rephrase?

23 Q. What is drag?

24 MR. MORRIS: Objection, vague.

25 Q. (BY MS. BAKER) Drag, as it is used in --

1 what is drag as it is used in Spectrum's official  
2 statement?

3 A. As referred to in our statement, drag is a  
4 form of artful performance that has a long history in  
5 the queer community and queer culture. It's a form  
6 of performance used to bend and break gender roles  
7 and ideas of expectation and reclaim individuality.

8 Q. So you would agree that -- you would agree  
9 that drag sometimes uses parody to undermine gender  
10 norms, right?

11 A. It can.

12 Q. May you repeat that, please?

13 A. It can.

14 Q. "It can," was that your answer?

15 A. Yes, ma'am.

16 Q. But sometimes it doesn't, right?

17 A. Yes, it's a very subjective experience.

18 Q. It's a very subjective experience.

19 What makes drag, in your opinion, a  
20 celebration of gender?

21 A. I would say just because it's an entire form  
22 of art based on playing around with those gender  
23 roles and expectations and all of that, either  
24 bending it or exaggerating it or just completely  
25 deconstructing it.

1           Q. So drag, in your view, is capable of  
2 challenging the idea that gender is a fixed concept.  
3 Is that accurate?

4           A. One of many definitions, but yes.

5           THE REPORTER: Can you repeat that,  
6 please?

7           THE WITNESS: One of many definitions,  
8 but yes.

9           **Q. (BY MS. BAKER) So you agree that drag is a**  
10 **celebration of gender and femininity, right?**

11          A. It can be, yes.

12          **Q. So when is drag a celebration of femininity?**

13          A. If that's what the performer intended.

14          **Q. So it -- so whether it is a celebration of**  
15 **femininity depends on whether the performer is**  
16 **intending to celebrate femininity. Is that correct?**

17          A. Yes. Only I hesitate to say "all" because  
18 there are drag kings and people who do drag either  
19 way, and that can be a play on more masculine or just  
20 neither of the gender roles.

21          **Q. But you would agree that drag challenges the**  
22 **idea that gender is something we can't change. Would**  
23 **you agree with that?**

24          A. Yes, I would, that it challenges that idea.

25          **Q. Some people have compared drag shows to**

1 individual. There's various different ways.

2 Q. Can you provide an example?

3 A. Can you rephrase the question?

4 Q. I'm trying to get a better understanding of  
5 how drag functions as an art form -- an art form of  
6 self-expression.

7 So is it that the performers have the  
8 ability to express themselves in new and creative  
9 ways in their costumes or their routines? That is  
10 what I'm trying to understand.

11 A. Yes. Performers express themselves through  
12 the costumes, through putting together routines,  
13 choreographing, audio mixing. Are you just doing one  
14 song? Are you splicing multiple together? Are you  
15 doing your own song? Did you write one? What are  
16 you doing with the hair, the make-up, the costumes?

17 There's so much that goes into it that  
18 the individual -- it's completely up to them.

19 Q. So, essentially, a performer can be as  
20 creative as they want in coming up with their  
21 routines and their costumes and all of that, right?

22 A. Yes.

23 Q. And they are exercising this creativity so  
24 that they can portray a certain message, whatever  
25 message they want to portray to the world, right?

1 performance depends on what the performer is  
2 intending to convey. Is that accurate?

3 A. Yes.

4 Q. There really is no singular message of drag,  
5 right?

6 A. I would say, just like any art form, it's  
7 subjective.

8 Q. Do you agree that drag doesn't always  
9 reflect a message of LGBTQ+ support?

10 A. Yes.

11 Q. Can you provide an example that you can  
12 think of when it might not?

13 A. I mean, just like any art form, it can be  
14 used in any way the author wants, so it can be used  
15 to purposely be offensive. And I've heard of like  
16 fraternities and sororities putting on cross-dressing  
17 events that were not handled respectfully.

18 Q. Do you agree that reasonable people can  
19 disagree as to whether drag denigrates people?

20 A. As long as you're able to hold a reasonable  
21 conversation.

22 Q. So, yes, you agree that reasonable people  
23 may disagree as to whether drag denigrates?

24 A. Yes, I don't think there's anything wrong  
25 with disagreeing.

1       Q. And some members of the LGBTQ+ community may  
2 disagree with the position that drag is not  
3 demeaning, right?

4       A. Yes, that is true.

5       Q. So I'm going to turn back to this exhibit,  
6 which I have since forgotten what I named it.  
7 Exhibit 10 I think.

8                   So all right. A few lines down from  
9 that, it says, "We also find the use of religion by a  
10 university official disturbing and unprofessional,  
11 and believe that the separation of church and state  
12 is essential to our country."

13                  Marcus, is it your view that President  
14 Wendler's decision not to permit Spectrum WT's drag  
15 show in Legacy Hall was because of his religious  
16 views?

17       A. To my recollection, religion was used as a  
18 backing.

19                  THE REPORTER: Was used what?

20                  THE WITNESS: As a backing to the  
21 argument. My apologies.

22       Q. (BY MS. BAKER) So you do not believe that  
23 Wendler was acting under religious pretext in making  
24 his decision?

25                  MR. MORRIS: Objection, mischaracterizes

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1 Q. I'm going to turn to our next document,  
2 which is President Wendler's March 23rd, 2023,  
3 statement in which he articulates his reasons for  
4 forbidding drag shows in Legacy Hall.

5 (Exhibit 12 marked.)

6 Q. (BY MS. BAKER) Here is that statement.

7                   Marcus, would you like a minute to --  
8 would you want to review this whole thing before I  
9 ask you some questions about it, or would you prefer  
10 me to just start asking you questions?

11 A. I would prefer to read it.

Q. Okay. So take what time you need.

13 A. All right. If you could scroll.

14 All right. Thank you.

15 Q. So I'm going to scroll back up to the first  
16 page marked DEF 53. In that first paragraph, Marcus,  
17 President Wendler praises Spectrum WT's intentions to  
18 raise funds for The Trevor Project through the 2023  
19 drag show, right?

20 A. That is true.

21 Q. And would you agree that the 2023 drag show  
22 was intended to show support for The Trevor Project?

23 A. It was.

24 Q. And earlier when we were talking, you shared  
25 that, when it comes down to drag, there's many

1 different meanings and messages, right?

2 A. That is correct.

3 Q. And the message of a drag show depends on  
4 what the performer intends it to mean, right?

5 A. Yes.

6 Q. I'm going to read from the first two  
7 sentences of the paragraph. The second paragraph on  
8 the page marked DEF 54, it says, "WT endeavors to  
9 treat all people equally. Drag shows are derisive,  
10 divisive and demoralizing misogyny, no matter the  
11 stated intent."

12 So, Marcus, my question for you is,  
13 based on your reading of this letter and that  
14 sentence that I just read, is there anything in  
15 President Wendler's statement that leads you to  
16 believe he would allow a drag show of any kind to be  
17 hosted in Legacy Hall?

18 A. Can you rephrase the question?

19 Q. Yes. In other words, can you identify  
20 anything in this letter, any statements that leads  
21 you to believe that Spectrum -- to believe, excuse  
22 me, that President Wendler would allow a drag show if  
23 it weren't Spectrum who was intending to host it on  
24 campus?

25 A. I do not.

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1 Q. Based on your reading of this letter, would  
2 President Wendler allow a drag show in Legacy Hall if  
3 its message was to ridicule members of the LGBTQ+  
4 community?

5 | A. No.

6 Q. President Wendler would not permit any drag  
7 shows in Legacy Hall regardless of their intended  
8 message, correct?

9 MR. MORRIS: Objection, calls for  
10 speculation.

11 A. Yes, it seems to be an overall ban on any  
12 drag, regardless.

13 Q. (BY MS. BAKER) Do you agree, based on your  
14 reading of -- let me go back up here so you can --  
15 oh, actually, it is this paragraph.

16 So this same paragraph where my cursor  
17 is circling, the second paragraph, excuse me, based  
18 on your reading of that, would President Wendler  
19 permit a black-face performance to be hosted in  
20 Legacy Hall?

21 MR. MORRIS: Objection, calls for  
22 speculation.

A. Based on the paragraph, no.

24 Q. (BY MS. BAKER) Do you agree that WT's  
25 mission and values emphasize respect for others?

1 A. I do not recall.

2 Q. I want us to discuss the next exhibit, which  
3 I'll mark as Exhibit 13. Hopefully I'm not off on my  
4 numbering. Could be by this point. This is the

5 WT --

6 THE REPORTER: I think it's 12.

7 MS. BAKER: I meant 12. Thank you,  
8 Court Reporter.

9 (Exhibit 12 (A\*) marked.)

10 Q. (BY MS. BAKER) I'll mark this  
11 Exhibit 12 (A\*), and this is the WT Code of Student  
12 Life, which spans from DEF 681 through DEF 725.

13 Okay. Have you ever seen this document  
14 before, Marcus?

15 A. I believe so.

16 Q. So I am going to go -- this is quite a large  
17 document, so I'm going to make it easy for us here.  
18 We'll start by looking at the page marked DEF 683.

19 Let me scan -- zoom in a little bit here  
20 so it's easier for us to see, easier for us. Okay.

21 So, Marcus, just go ahead and take a  
22 minute to read this entire statement, and then I'll  
23 ask you some questions about it.

24 A. Would we be able to take a quick break so I  
25 can grab a laptop charger?

1       Q. **Absolutely. Would --**

2       A. All right. Thank you so much.

3       **Q. Would five minutes suffice?**

4       A. Yes. That will be fine.

5                   MS. BAKER: Okay. Great.

6                   THE REPORTER: Okay. Off the record at  
7 12:57.

8                   (Recess: 12:57 p.m. to 1:05 p.m.)

9       **Q. (BY MS. BAKER) So, Marcus, I'm going to ask  
10 you a few questions about this page of the document.**

11                  MS. BAKER: And I also want to make sure  
12 that no one here starves on my account. So if I ask  
13 a few more questions, I would be happy to pause so  
14 that we all can take a lunch break for about 45  
15 minutes or so, if that works for everyone. Okay.

16       **Q. (BY MS. BAKER) So let me share my screen.**

17       **Again, we are looking at the WT Code of Student Life.**

18                  **So, Marcus, you can take a moment to  
19 read these few paragraphs, and then I'm going to ask  
20 you some questions.**

21       **A. All right. All good.**

22       **Q. So based on your reading of this page and  
23 this statement, WT students have rights and  
24 responsibilities, right?**

25       **A. Yes.**

1 Q. And WT upholds certain community standards,  
2 correct?

3 A. According to this, yes.

4 Q. Those community standards encourage mutual  
5 respect between students, faculty, and  
6 administrators, correct?

7 A. That is the stated goal.

8 THE REPORTER: Can you repeat that,  
9 please?

10 THE WITNESS: That is the stated goal.

11 Q. I do have a few more questions about -- oh,  
12 actually, before we pause for a lunch break, one more  
13 question.

14 What do you understand the purpose of  
15 the code of student life to be?

16 A. To keep the enrolled students safe, as well  
17 as foster a positive academic environment.

18 Q. Would you agree that part of its purpose is  
19 to provide expectations -- what -- strike that.

20 Would you agree that part of the purpose  
21 of a code of student life is to ensure that students,  
22 as members of the university community, have a clear  
23 idea of what their responsibilities and rights are?

24 A. Can you repeat that one more time?

25 Q. Yes. Would you agree that the purpose of a

1 code of student life is to provide students with some  
2 clarity on what conduct is appropriate and acceptable  
3 within the university environment?

4 A. Yes.

5 MS. BAKER: On that note, let's take a  
6 pause so that we all can take a lunch break, unless  
7 folks here would prefer to keep powering through.  
8 But I definitely want to make sure that you all can  
9 have lunch if you would like.

10 MR. MORRIS: Let's go off the record  
11 real quick.

12 THE VIDEOGRAPHER: Off the record at  
13 1:10 p.m.

14 (Recess: 1:10 p.m. to 1:39 p.m.)

15 Q. (BY MS. BAKER) I'm now going to turn to a  
16 page marked DEF 684. I'm going to scroll there. And  
17 so we are looking at the forward in the WT Code of  
18 Student Life.

19 Marcus, I want to bring your attention  
20 to the section entitled, "West Texas A & M University  
21 Mission Statement." You can go ahead and read that  
22 section. It's very short, so it shouldn't take much  
23 time.

24 A. All good.

25 Q. Okay. So based on your reading of -- based

1       on your reading of that section, West Texas A & M is  
2       a student-centered community of learners, correct?

3           A. Yes, that is what it says.

4           Q. I want to direct your attention to this  
5       General Purpose section. Go ahead and -- go ahead  
6       and read this section, these four paragraphs, and  
7       then I'll ask you a few questions about it.

8           A. All good.

9           Q. So according to this -- according to your  
10      reading of this section, these standards exist -- the  
11      standards in this document exist to provide -- excuse  
12      me.

13                  The standards in this section exist to  
14      ensure that order can be maintained on the university  
15      campus, right?

16                  MR. MORRIS: Objection, calls for  
17      speculation.

18           Q. (BY MS. BAKER) Look at that second  
19      paragraph here.

20           A. That is what it says, yes.

21           Q. Now let's take a look -- actually, before I  
22      move on, students, as members of the campus  
23      community, have responsibilities, correct?

24           A. Yes.

25           Q. So now I'm going to zero in on this last

1 section here which says, "West Texas A & M University  
2 Core Values."

3 Have you had a chance to scan that  
4 section?

5 A. Yes.

6 Q. So based on your reading of that section, WT  
7 will not compromise its core values, correct?

8 A. That's what it says, yes.

9 Q. So the university will not negotiate with  
10 respect to those core values, right?

11 MR. MORRIS: Objection, calls for  
12 speculation.

13 A. That is what the document says.

14 THE REPORTER: I'm sorry. That is what  
15 the document --

16 THE WITNESS: That is what the document  
17 says.

18 Q. (BY MS. BAKER) Respect -- respect for  
19 people, individuals, is one of WT's core values,  
20 correct?

21 A. It is.

22 Q. I'm going to turn to a page in this  
23 document, the next page, marked DEF 685, the section  
24 entitled, "Student Centered Philosophy." I want you  
25 to read the last paragraph of this section because

1       Q. What were the nature of those comments? You  
2 don't have to disclose the actual words, but what  
3 about those comments was inconsistent with Spectrum's  
4 code of conduct?

5       A. It was a lot of racist comments mostly  
6 against Hispanic people.

7       Q. And that -- and the individual who made  
8 those statements, you said that that person was  
9 ousted from the organization. Is that correct?

10      A. After multiple conversations, yes.

11      Q. Okay. I'm going to introduce exhibit -- as  
12 Exhibit 13, I believe --

13                   MS. BAKER: Court Reporter, are we on  
14 13?

15                   THE REPORTER: Yes, ma'am.

16                   (Exhibit 13 marked.)

17                   MS. BAKER: Thank you.

18      Q. (BY MS. BAKER) So I want to introduce as  
19 Exhibit 13, WT's Jack B. Kelley student center  
20 procedure and guidelines booklet, and it's marked as  
21 DEF 154 through 172.

22                   Are you familiar with this document,  
23 Marcus?

24      A. I'm not sure.

25      Q. Can you see this document?

1       A. I can. I can't recall for certain. I may  
2 have; I may have not.

3       Q. I'm going to start here by looking at page 3  
4 of this guidebook, which is marked DEF 156.

5                   To your knowledge, the JBK Student  
6 Center is WT property, correct?

7       A. Yes.

8       Q. And JBK Student Center is a place where all  
9 members of the WT community should be treated with  
10 dignity and respect, correct?

11                  MR. MORRIS: Objection, calls for  
12 speculation.

13       Q. (BY MR. BAKER) Based on your knowledge of  
14 general university -- of the university's policies,  
15 including some that we've already read.

16                  MR. MORRIS: Is that a question,  
17 Counsel? I'm not sure what the question is.

18                  MS. BAKER: Strike what I previously  
19 said, and I'm going to rephrase.

20       Q. (BY MS. BAKER) To your understanding of  
21 WT's policies, including some of which we've already  
22 read, the JBK Student Center is a place where all  
23 members of the WT community should be treated with  
24 dignity and respect, correct?

25                  MR. MORRIS: Calls for speculation,

1 objection.

2 A. That would be the university policy, yes.

3 Q. (BY MS. BAKER) To your knowledge, as a  
4 student, what you observed while at WT, have -- do  
5 outside groups not affiliated with WT sometimes host  
6 events in the JBK Student Center?

7 A. To my knowledge, yes.

8 Q. Let's look at this fourth paragraph  
9 entitled, "Jack B. Kelley Student Center Mission  
10 Statement."

11 The JBK Student Center is a place where  
12 all members of the -- where all members of the WT  
13 community can gather, correct?

14 A. Yes.

15 Q. And based on your reading of this paragraph  
16 here, the JBK Student Center is -- strike that.

17 And based on your reading of this  
18 paragraph, the JBK's function is student centered,  
19 correct?

20 A. Yes.

21 Q. What leads you to -- what leads you to  
22 believe that in that paragraph?

23 A. It says that it's a gathering place for the  
24 entire West Texas A & M University community.

25 Q. And it also says that it offers

1 student-centered programs and services, correct?

2 A. Yes, it does.

3 Q. The JBK operates using university center  
4 fees, correct?

5 A. To my knowledge.

6 Q. Do you recall what those fees are?

7 A. I do not.

8 Q. Has Spectrum WT ever hosted any events in  
9 the JBK center?

10 A. I believe so.

11 Q. Like what?

12 A. I don't -- is the classroom center  
13 considered part of the JBK?

14 Q. You said it's called the classroom center?

15 A. Yes. That's where we host all of our weekly  
16 meetings. I'm not sure if it's officially part of  
17 the JBK, but it was in the same building.

18 Q. It was in the -- so you -- were those your  
19 weekly meetings that you're referring to?

20 A. Yes, we hosted those.

21 Q. But it hasn't hosted any events in the same  
22 venue that it was trying to secure for the 2023 drag  
23 show, correct?

24 A. I'm not aware. Not during my time as vice  
25 president.

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1 Q. During your time as vice president, did  
2 Spectrum ever attempt to host any of its other  
3 events? And by "other," I mean non-drag show events  
4 in that same venue in the JBK?

5 A. Not to my knowledge.

6 Q. So Spectrum never attempted to host any of  
7 its non-drag show events in that JBK venue, correct?

A. I'm not completely sure.

9 Q. I'm going to turn to page 4 of this  
10 document, which is marked DEF 157.

11                   Marcus, I want to draw your attention  
12 to -- let's see, what would this be? One, two, three  
13 -- the fourth paragraph where my cursor is near. Go  
14 ahead and read that paragraph and the next paragraph.

15 A. Yes.

16 Q. So based on that paragraph, starting with,  
17 "The JBK Student Center," based on your reading of  
18 that, the JBK Student Center reserves the right to  
19 refuse to allow some groups to use its facilities,  
20 correct?

A. That is what the policy says.

22 Q. In other words, JBK doesn't have to approve  
23 every event request it receives, correct?

A. That's what the policy says, yes.

O. Based on the immediately -- based on the --

1       that -- the paragraph that is immediately following  
2       that, the JBK center staff can even interrupt events,  
3       correct?

4           A. That's what the policy states, yes.

5           Q. Based on your reading of this policy, the  
6       JBK center reserves the right to deny space usage for  
7       any event that violates WT's missions or policies,  
8       correct?

9                   THE REPORTER: I'm sorry. Missions  
10          what?

11           Q. (BY MS. BAKER) Mission or policies,  
12          correct?

13                   THE REPORTER: Thank you.

14                   MR. MORRIS: Objection, calls for  
15          speculation.

16           Q. (BY MS. BAKER) Based on the policy. Would  
17          you agree with that?

18                   MR. MORRIS: Same objection.

19           A. That is what the policy says.

20           Q. (BY MS. BAKER) Would you agree, based on  
21          what the policy says, that the JBK Student Center is  
22          only for events that are in compliance with WT's  
23          mission and policies?

24                   MR. MORRIS: Objection, calls for  
25          speculation, calls for a legal conclusion.

1 A. That is what the policy says.

2 Q. (BY MS. BAKER) So in your view, if a  
3 student organization applied to reserve Legacy Hall  
4 for a performance that would mock or make fun of  
5 members of the LGBTQ+ community, and suppose that  
6 group did everything, followed the full reservation  
7 process, do you think, based on your reading of this  
8 policy, that WT would have any ability to cancel such  
9 an event?

10 MR. MORRIS: Objection, calls for  
11 speculation, calls for a legal conclusion.

12 A. That would be a decision made by the staff.

13 Q. (BY MS. BAKER) And in making that decision,  
14 the staff would, according to this document, need to  
15 consider WT's mission and policies, correct?

16 A. That is what it says, yes.

17 Q. And if they determined that, based -- again,  
18 based on this policy, if they determined that that  
19 event was inconsistent with its mission or policies,  
20 it could cancel that event or interrupt that event,  
21 correct?

22 MR. MORRIS: Objection, calls for  
23 speculation and a legal conclusion.

24 A. That is what the policy says.

25 Q. (BY MS. BAKER) So based on your reading of

1       **this policy, if a student organization wanted to host**  
2       **a neo-Nazi rally in the JBK center, would WT have any**  
3       **ability to prevent that event from going forward?**

4                    MR. MORRIS: Objection, calls for a  
5       legal conclusion, calls for speculation.

6       **Q. (BY MS. BAKER) Again -- again, according to**  
7       **your reading of this policy.**

8                    MR. MORRIS: Again, calls for  
9       speculation, calls for a legal conclusion.

10       A. That would be at the discretion of the JBK  
11      Student Center staff.

12       **Q. (BY MS. BAKER) Is the JBK Student Center**  
13      **guidebook that we're looking at available to**  
14      **students?**

15       A. I do not know.

16       **Q. So when planning this event, how did**  
17      **Spectrum determine what kind of conduct is**  
18      **permitted --**

19                    THE REPORTER: I missed the last part of  
20      your question. Somebody has got some email ringing  
21      in.

22                    MR. MORRIS: I think it's beeping or  
23      something.

24                    THE REPORTER: Yeah. And it's cutting  
25      out your words whenever, Ms. Baker.

1           **Q. What is Buffs for Drag?**

2           A. It was an impromptu group, I believe, of  
3 mainly theater students who came together to organize  
4 the protest.

5           **Q. Is that organization affiliated with**  
6 **Spectrum WT?**

7           A. It is not.

8           **Q. Were you a leader in that organization at**  
9 **all?**

10          A. I was not, but I assisted with planning.

11          **Q. Whereabouts on campus did these protests**  
12 **occur?**

13          A. I believe it's called the Buff Fountain.

14          **Q. Okay. Can you -- I'm not looking at a map**  
15 **of the university in front of me right now, but can**  
16 **you describe what that area is like? Is it in the**  
17 **center of campus? Is it in a corner of campus? Can**  
18 **you describe where -- where it is spatially?**

19          A. It's fairly centered. It's the general area  
20 **by the JBK Student Center.**

21          **Q. So is it like a sidewalk or a plaza where**  
22 **students gather? What actually is it?**

23          A. I think you could call it like a plaza area.

24          **Q. Okay. So where is that area in relation to**  
25 **the president's office? Is it near or is it far?**

1       A. I believe it's right across. It's right in  
2 between the old main building and the JBK.

3       Q. So would you say, if I were standing in this  
4 area that you're describing, I could look up -- could  
5 I look up and see the president's office?

6       A. I believe so.

7       Q. And you would agree that someone in the  
8 president's office could probably look out their  
9 window and see what was happening in the area that  
10 you're describing?

11      A. I believe so.

12      Q. Do you believe that President Wendler has  
13 censored drag on campus?

14      A. I believe so.

15      Q. Were any protestors during those  
16 demonstrations dressed in drag?

17      A. I believe so.

18      Q. Did you see any people dressed in drag?

19      A. To my best recollection -- I would have to  
20 guess one way or the other.

21      Q. Are you aware of any organizations who  
22 instructed students to come to protest dressed in  
23 drag?

24      A. I believe our members talked about it. I  
25 would have to guess one way or the other.

1       Q. What's your basis for believing that your  
2 members talked about it?

3       A. I'm not sure. It's been a while ago now.

4       Q. Are you aware whether there were any  
5 protests that took place around or in front of  
6 President Wendler's residence?

7       A. There was a march to the outskirts of the  
8 property and then back to deliver, I believe, letters  
9 from students.

10      Q. Do you know anything about those letters?

11      A. I believe I typed one up to put in there,  
12 and it was just different thoughts from students.

13      Q. So you submitted a letter as well?

14      A. Yes, I believe so.

15      Q. And these letters were a way for students to  
16 express their point of view about Dr. Wendler's  
17 decision, correct?

18      A. Yes, that's correct.

19      Q. Did President Wendler ever shut down any of  
20 those protests, as far as you're aware?

21      A. There were chalk messages repeatedly hosed  
22 off after they were written.

23      Q. I didn't quite make out your statement. Can  
24 you repeat, please?

25      A. There were chalk messages and drawings from

1 the protest that were hosed off immediately after  
2 writing.

3 Q. But no one was stopped from -- prevented  
4 from protesting in the area that you described for me  
5 earlier, correct?

6 MR. MORRIS: Objection, mischaracterizes  
7 the witness's testimony.

8 A. There were not.

9 Q. (BY MS. BAKER) Are you aware of any other  
10 WT administrator or staff who ever intervened and  
11 tried to prevent students from protesting in that  
12 main circle area?

13 A. Not to my knowledge.

14 Q. Are you aware of any WT administrator or  
15 faculty or staff who attempted to prevent students  
16 from taking their letters to Dr. Wendler's residence?

17 A. Not to my knowledge.

18 Q. During those protests -- during those  
19 on-campus protests, did you all encounter any  
20 counter-protesters?

21 A. We did.

22 Q. Did Spectrum WT or you personally ever  
23 engage with any of those counter-protesters?

24 A. We instructed our members to only engage in  
25 calm discussion and offering things like water.

1 mainly with you or someone else in Spectrum?

2 A. I would say, to my understanding, mostly  
3 with Bear.

4 Q. Let's talk about the Sam Houston drag show.

5 Did any WT administrators or faculty,  
6 staff, help Spectrum find an alternative venue for  
7 the 2023 drag show that it planned to host in Legacy  
8 Hall?

9 A. I would have to guess. I know we did have  
10 faculty members who were helping us throughout the  
11 process, but I don't know specifically.

12 Q. Is that something -- is that something  
13 Mr. Bright would know?

14 A. Yes. I think those would be better  
15 questions for him. He did most of the actual  
16 talking, and I mostly communicated it.

17 Q. Do you recall from the Sam Houston drag show  
18 -- you were present there, correct?

19 A. Correct.

20 Q. Do you recall at any time during that show  
21 whether someone came on stage to explain that the  
22 show was intended to support The Trevor Project?

23 A. I do not directly recall, but I would  
24 imagine.

25 Q. All right. I'm going to pull up Spectrum's

1 verified complaint. We are going to be looking at  
2 paragraph 123.

3 So paragraph 123 of Exhibit 1 indicates  
4 that, "In order to hold the event at an alternative  
5 venue, plaintiffs were required to spend \$2,130.13  
6 from funds donated by members of the public in order  
7 to rent a stage in a public park and hire off-duty  
8 police officers to provide security."

9 Marcus, do you remember how Spectrum was  
10 able to raise the money from which this figure right  
11 here was used to cover -- or let me rephrase that.

12 Do you remember how Spectrum acquired  
13 those donations, the donations that were used to  
14 cover that expense?

15 A. We received donations through GoFundMe.

16 Q. Do you remember the total amount of funds  
17 that Spectrum WT received from the public?

18 A. Off the top of my head, I do not.

19 Q. Do you remember whether it was more than  
20 \$5,000?

21 A. I believe so.

22 Q. Now, this \$2,130.13, just to clarify on my  
23 end, in selecting this alternative venue, did you  
24 have to pay that money upfront, or did you pay it  
25 after the show?

1           A. We paid it before the show.

2           Q. So Spectrum already had received enough  
3 donations to cover that amount before the show. Is  
4 that correct?

5           A. Through the GoFundMe, yes.

6           THE REPORTER: Can you repeat that,  
7 please?

8           THE WITNESS: Through the GoFundMe, we  
9 did.

10          Q. (BY MS. BAKER) Do you recall when Spectrum  
11 created that GoFundMe? And to clarify, you don't  
12 have to provide an exact date. I'm just asking, was  
13 it -- was that GoFundMe created very soon after  
14 President Wendler's decision?

15          A. I'm not sure exactly. Whenever we decided  
16 we wanted to try to host it off-campus.

17          Q. But it was created before the Sam Houston  
18 drag show, correct?

19          A. That is correct.

20          Q. I'm going to pull up Exhibit --

21           THE REPORTER: 14.

22           MS. BAKER: Court Reporter, are we on  
23 Exhibit 14?

24           THE REPORTER: Yes, ma'am.

25           (Exhibit 14 marked.)

1 Q. (BY MS. BAKER) I'm going to introduce  
2 Exhibit 14, stamped Spectrum 1561.

3 Marcus, do you recognize this?

4 A. I do not. Oh, wait. I'm sorry. I was  
5 zoomed in.

6 THE REPORTER: I'm sorry?

7 THE WITNESS: My apologies. I was  
8 zoomed in.

9 A. Yes, I do.

10 Q. (BY MS. BAKER) What is this document?

11 A. Oh, it is our transaction for renting the  
12 space in the park, I believe.

13 Q. Is this figure different -- is this figure  
14 accounted into the \$2,100 that Spectrum mentions in  
15 its complaint?

16 A. I believe so.

17 Q. And where -- what were those other expenses  
18 not reflected on this receipt? What would those have  
19 been?

20 A. I know at least for the private security.

21 Q. Are you aware whether any WT staff or any  
22 students, any Spectrum members also provided  
23 security?

24 A. They did not. Just the hired security.

25 Q. Do you remember how much -- do you remember

1 how much Spectrum WT's GoFundMe had accumulated after  
2 the Sam Houston drag show?

3 A. Off the top of my head, I do not know.

4 Q. Would you agree that it was several thousand  
5 dollars?

6 A. That is correct.

7 Q. Does \$9,000 sound accurate to you?

8 A. I believe it was somewhere around there.

9 Q. Did any part of the money that Spectrum  
10 amassed through its GoFundMe page, was any part of  
11 that money used to cover remaining production costs?

12 A. What do you mean by that?

13 Q. To clarify, so we already established in our  
14 discussion that some part of Spectrum's GoFundMe  
15 donations was used to cover that two thousand --  
16 \$2100 that it incurred in finding a separate venue,  
17 correct?

18 A. That is correct.

19 Q. Were there -- and we've also -- we talked  
20 about the fact that, in addition to actually securing  
21 the park, you purchased, or Spectrum, you or  
22 Spectrum, purchased security for the event, correct?

23 A. That is correct.

24 Q. Were there any outstanding costs by the time  
25 the event was slated to begin?

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1 A. By that do you mean costs that had not been  
2 paid?

3 Q. Correct.

4 A. Not to my recollection. I believe  
5 everything was paid beforehand.

6 Q. So did all of the funds that Spectrum  
7 amassed after the drag show, after the Sam Houston  
8 drag show, were all of those funds donated toward The  
9 Trevor Project?

10 A. As far as I know, yes.

11 Q. Do you recall whether Spectrum WT advertised  
12 the Sam Houston drag show on campus at WT?

13 A. I do not recall.

14 Q. Do you recall whether Spectrum printed or  
15 posted any flyers around campus advertising the Sam  
16 Houston drag show?

17 A. I believe we had flyers.

18 Q. Do you recall whether those flyers were  
19 posted on those public bulletin boards that are  
20 around campus?

21 A. I do not recall. I know we put flyers up at  
22 some point. I don't know if that was for the  
23 original show or the show at the Sam Houston Park or  
24 for both.

25 Q. But these flyers were posted around campus,

1 right?

2 A. There were posters pasted on campus, yes.

3 Q. Did -- did President Wendler or any other WT  
4 staff, faculty, administrator ever, to your  
5 knowledge, prevent Spectrum from advertising its Sam  
6 Houston drag show on campus?

7 A. As far as I'm aware, no.

8 Q. Would you say that the Sam Houston drag show  
9 was pretty successful in your opinion?

10 A. I would say so. I was happy with our  
11 turnout.

12 Q. How large of a turnout do you think you all  
13 received at the Sam Houston drag show?

14 A. I'm honestly not sure about the numbers to  
15 begin with, and it's been a long time.

16 Q. Would you say there were over 50 people?

17 A. I can't say for sure one way or the other.  
18 I would imagine.

19 Q. So can you talk about how the event was  
20 sequenced? How did it work logistically? Was it  
21 performances first and then something else happened?  
22 Was there a time where attendees would kind of chat  
23 with one another? How was it logistically arranged?

24 A. I'm not completely sure just because it's  
25 been a long time. We gave people time to show up and

1           A. I do not recall specifically.

2           Q. Do you recall whether minors could only  
3 attend the event if accompanied by a parent or  
4 guardian?

5           A. Since we were forced to move off campus and  
6 host the event at a public park, there was no way we  
7 could restrict who was coming in or out, so we did  
8 not have any kind of system in place for that.

9           Q. So you would agree, based on your memory of  
10 the event, that there were more than 50 people  
11 present at that event?

12          A. I would have to guess.

13          Q. Do you remember whether you saw any children  
14 at that event?

15          A. I believe so, yes.

16          Q. Do you agree that the nature of performances  
17 at the Sam Houston drag show are probably on par with  
18 the kinds of performances that someone might have  
19 seen if Spectrum had been permitted to host its drag  
20 show in Legacy Hall in 2023?

21          A. It likely would have been similar. However,  
22 we would have been stricter with the -- on the actual  
23 performance -- we would have been stricter with the  
24 actual performances if it had been in Legacy Hall.

25          Q. When you say "stricter," what do you mean?

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1 A. Just with like we would have been able to  
2 actually check and see that no one was there without  
3 a parent or guardian, that sort of thing.

4 Q. Is that a conversation that you and  
5 Mr. Bright or any other Spectrum leader had in  
6 planning the 2023 drag shows? Did you ever talk  
7 amongst yourselves how you planned to check the ages  
8 of attendees?

9       A. Yes. We were going to have a member of the  
10 group by the doors checking either birth certificates  
11 or IDs.

12 Q. And any individual who didn't have that  
13 would be turned away?

14           A. Yes. Anyone without a student ID who was  
15 there because they were an adult, if they were under  
16 the age of 18 and they did not have proof they were  
17 with a parent or guardian, we would not allow them  
18 entry.

19 Q. I would like to introduce a document that I  
20 will name Exhibit 18. It is marked DEF 96.

21 | (Exhibit 18 marked.)

Q. (BY MS. BAKER) Does this look familiar?

23 A. Yes, it does.

24 Q. What is this? Is this the flyer for  
25 Spectrum's --

1 would be no need for it to be 21 and up.

2                   And then, generally 18 is considered the  
3 age where people are able to start making more  
4 decisions for themselves without a parent's  
5 permission.

6                   **Q. And did Spectrum decide to make it a free**  
7 **event for the same reason that it made it's -- strike**  
8 **that.**

9                   **Did Spectrum decide to make it free for**  
10 **university students for the same reason that it's**  
11 **made -- made it free to them previously?**

12                  A. Yes, that's correct.

13                  **Q. Do you recall whether Spectrum WT considered**  
14 **any alternative off-campus venues for -- in planning**  
15 **its 2024 drag show?**

16                  A. I cannot recall.

17                  **Q. Do you recall -- do you recall whether the**  
18 **806 coffee bar came up at any point as a potential**  
19 **venue?**

20                  A. I know we considered it potentially for the  
21 2023 show. I'm not sure about 2024.

22                  **Q. We're just about finished here.**

23                   **So when you first enrolled at WT, you**  
24 **were Lauren Stovall, correct?**

25                   A. That is correct.

1 Q. And you're now Marcus Stovall, right?

2 A. That is correct.

3 Q. And you identify as a transgender man,  
4 correct?

5 A. That is correct.

6 Q. Do you think that or do you agree that the  
7 resources and support and community that you found at  
8 WT helped you in making that transition?

9 A. It helped me have the courage to start it.

10 It didn't influence starting that journey.

11 Q. You knew you wanted to start that journey  
12 before you came to WT?

13 A. Yes. It just finally showed me that that  
14 was a possibility.

15 Q. Do you think, that had it not been for the  
16 resources and support and community that you found at  
17 WT, that you would have still made that transition?

18 A. I believe eventually I would have.

19 Q. Thank you for your time. I have no further  
20 questions for you.

21 A. All right. Thank you so much. Have a  
22 wonderful day.

23 MR. MORRIS: I few questions for you,  
24 Mr. Stovall.

25 THE WITNESS: Okay.

1                   MR. MORRIS: Just a few. It won't take  
2 too long.

3                   EXAMINATION

4 BY MR. MORRIS:

5 Q. So can you explain if there's a difference  
6 between merely dressing in drag and a drag show or  
7 performance?

8 A. I would say there definitely is.

9 Cross-dressing can be done without intent or with  
10 intent, while a drag show is a more coordinated  
11 artistic event.

12 Q. Okay. Ms. Baker asked you about, at the Sam  
13 Houston show, performers collecting tips from the  
14 crowd. To your knowledge, can you explain what the  
15 performers did with those tips at the end of the  
16 show?

17 A. I believe we had a collection bucket, and  
18 someone was entrusted with taking them and counting  
19 it. I am not sure who it was.

20 Q. To your knowledge, did any performer not  
21 give their tips to the collection bucket?

22 A. To my knowledge, it all went into the  
23 bucket.

24 Q. Okay. You discussed with Ms. Baker a little  
25 bit about the campus protests and how some students

1 printed on those documents?

2 A. Yes. I would say there are definitely areas  
3 where the paper policy doesn't exactly match up with  
4 how things actually ran. I think the no glitter and  
5 tape rule was a good example of that.

6 Q. Okay. Did Spectrum rely on Dr. Drumheller  
7 to help them understand policies?

8 A. Some of us would seek guidance, but we  
9 wouldn't go to her for everything.

10 Q. Okay. At any time during the process,  
11 Spectrum -- let me rephrase that.

12 Can you explain whether at any time  
13 during the process for Spectrum reserving Legacy Hall  
14 for the 2023 show, whether any WT faculty,  
15 administration, or staff raised any concern about the  
16 drag show violating a policy before President Wendler  
17 issued his cancellation?

18 A. There was not.

19 Q. You discussed with Ms. Baker about Spectrum  
20 insisting that its planned 2023 performance be PG-13.  
21 Do you remember that?

22 A. I do.

23 Q. Can you explain whether or not Spectrum  
24 would err on the side of caution in ensuring that it  
25 maintained a PG-13 performance?

1       A. Yes. We certainly wanted to just err on the  
2 side of caution, being more appropriate over pushing  
3 the line, just to make sure everyone felt comfortable  
4 and no one felt offended if they chose to go to the  
5 performance.

6       Q. Okay. Can you explain whether or not, for  
7 example, that extended to Spectrum's decision not to  
8 allow profane words in the music choices for the  
9 performance?

10      A. Can you say that one more time?

11      Q. Sure. So in your experience -- I mean, have  
12 you seen PG-13 movies before?

13      A. Yes.

14      Q. Okay. And in your experience, do PG-13  
15 movies sometimes have profane language?

16      A. Yes.

17      Q. Okay. So in erring on the side of caution  
18 then, can you explain whether or not, even though  
19 PG-13 movies can have profane language, Spectrum  
20 restricted its music to be non-profanity to err on the  
21 side of caution?

22      A. Yes.

23      Q. You talked about -- or you testified earlier  
24 today about Myss Myka's participation, both in the  
25 planned performance at Legacy Hall and the Sam

1       **Houston Park performance.**

2                   **Were there -- can you explain: Were**  
3                   **there any specific instructions you gave Myss Myka**  
4                   **about what and what not to wear, that sort of thing?**

5           A. I believe the only concrete instructions we  
6       gave her were just keep it PG, and we trusted her  
7       guidance since she was a professional.

8           **Q. Do you recall -- does Myss Myka, to your**  
9           **knowledge, wear a breastplate sometimes?**

10          A. In some of her adult -- like adult-only  
11       performances at clubs and bars, that sort of thing,  
12       she will. She did not wear it to our performance.

13          **Q. Okay. Was that an understanding that you**  
14       **had with Ms. Myss Myka, that she would not wear a**  
15       **breastplate to the performance?**

16          A. We did not make that request. She made that  
17       decision of her own choice.

18          **Q. Okay. Can you explain whether or not she**  
19       **made that decision in order to keep her performance**  
20       **and her role as MC PG-13?**

21          A. Yes. Yeah, she made that decision just to  
22       adhere to our content decision.

23          **Q. And given the PG-13 nature of the planned**  
24       **performance at Legacy Hall, would you expect that to**  
25       **be the same as a drag performance at a club or bar?**

1           A. Definitely not.

2           Q. Okay. Can you explain how you would expect  
3 it to be different?

4           A. At a club or a bar, which would be an adult  
5 likely 21-and-up space, I would expect it to be more  
6 obviously adult focused and vulgar than something  
7 held as a fundraising event at a college.

8           Q. Okay. You discussed earlier in your  
9 testimony some language, and I think it maybe was in  
10 the campus handbook, about the university aspiring to  
11 prevent sexist language in student organization  
12 promotions. Do you recall that?

13          A. I do.

14          Q. Can you explain in your view whether or not  
15 the flyer for the 2023 planned show at Legacy Hall  
16 denigrated women?

17          A. I do not believe it did.

18          Q. Okay. Do you recall -- let me back up.

19                 Were you in charge of setting up the  
20 GoFundMe for the off-campus show in 2023?

21          A. I do not recall. I may have set up the  
22 account.

23          Q. Okay. Do you recall whether or not the  
24 GoFundMe charged transaction fees as part of setting  
25 that up or taking money out of it?

1 just you and Mr. Bright who made the decision?

2 A. I usually just discussed in the group with  
3 whoever was available of the officer positions.

4 Q. Are you aware of any plans that Spectrum has  
5 to host another drag show on campus in the future?

6 A. I am not.

7 MS. BAKER: I think that's all I have  
8 for you.

9 THE REPORTER: Okay. Is that all the  
10 questions?

11 MR. MORRIS: Nothing more from me.

12 THE REPORTER: Okay. I have been told  
13 that this is expedited. Can you guys tell me when  
14 you would like to receive this?

15 MS. BAKER: As soon as possible.

16 THE REPORTER: Okay. And do you need a  
17 copy, Mr. Morris?

18 MR. MORRIS: Yes, please. Same time as  
19 defendant's counsel gets it, if possible.

20 (Deposition concluded at 3:19 p.m.)

21 \* \* \* \* \*

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1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE NORTHERN DISTRICT OF TEXAS  
3                   AMARILLO DIVISION

4                   SPECTRUM WT, et al,                         )  
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9                   REPORTER'S CERTIFICATION OF THE ORAL  
10                   DEPOSITION OF MARCUS STOVALL  
11                   DECEMBER 16, 2025

12                   I, Vanessa J. Theisen, a Certified Shorthand  
13                   Reporter and Notary Public in and for the State of  
14                   Texas, hereby certify to the following:

15                   That the witness, MARCUS STOVALL, was duly  
16                   sworn by the officer and that the transcript of the  
17                   oral deposition is a true record of the testimony  
18                   given by the witness;

19                   That the original deposition was delivered  
20                   to MS. ALEXIA BAKER.

21                   That a copy of this certificate was served  
22                   on all parties and/or the witness shown herein on  
23                   December 18, 2025.

24                   I further certify that pursuant to FRCP Rule  
25                   30(3) that the signature of the deponent:

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1                \_\_\_\_ was requested by the deponent or a  
2 party before the completion of the deposition and  
3 that the signature is to be before any notary public  
4 and returned within 30 days from date of receipt of  
5 the transcript.

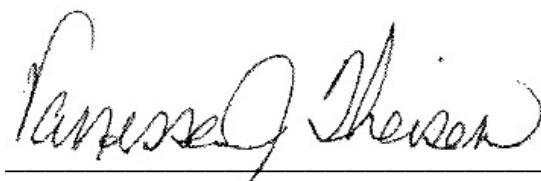
6                If returned, the attached Changes and  
7 Signature Page contains any changes and the reasons  
8 therefore:

9                XX was not requested by the deponent or a  
10 party before the completion of the deposition.

11               I further certify that I am neither counsel  
12 for, related to, nor employed by any of the parties  
13 or attorneys in the action in which this proceeding  
14 was taken, and further that I am not financially or  
15 otherwise interested in the outcome of the action.

16               Certified to by me on this, the 18th day  
17 of December, 2025.

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VANESSA J. THEISEN, Texas CSR, RPR  
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